

Handiham Policy on Restructuring

The Courage Handiham System is a program of the non-profit Courage Center, and has national and international reach. The mission of the Handiham System is to provide educational opportunities in amateur radio for people with physical disabilities and sensory impairments. The program has been in existence since 1967. I have been the program's manager since 1991 and will comment in that capacity.

I believe that the proposals set forth in RM-10867 are well-crafted and urge the Commission to adopt a rule that will incorporate all but the retention of Element 1 (Morse code) as a required examination element for any level of licensure.

Although we at the Courage Handiham System continue to teach the Morse code and support it vigorously as a valuable communications medium, we realize that it is not essential to the safe and effective operation of an amateur radio station and should, if it is retained as an examination element for any class of license, be waived for people whose disabilities prevent them from learning and using it effectively. Our preference would be to remove the requirement altogether, as there are ample opportunities for amateur radio operators to demonstrate Morse proficiency through voluntary, privately-operated qualifying runs and operating activities designed for Morse.

Prior to WRC-03, when Morse proficiency was an international treaty requirement, The Handiham System advised members whose disabilities prevented them from learning and using Morse in the usual ways to try several different methodologies during the learning process and to request an adapted examination if necessary. Learning adaptations might include a "tactile pad" on which a deaf applicant might feel the vibrations of a speaker cone as code characters were transmitted. Other hard of hearing Handiham members might try learning code with flashing lights. It was extraordinarily difficult for some members with dyslexia to learn the code at all, whether they could hear or not, and such mechanical devices were of no use to them.

Although it did trouble us that waivers were not available to members with hearing loss and other disabilities that make Morse code a poor choice of operating modes, we were compelled to advise these members that the international treaty requirements mandated Morse, and the only remedy was adapted examinations.

When Morse testing at higher speeds was still required, a disability waiver process allowed Handiham members with disabilities to opt out of all but Element One (slow code). Although the fast-code waiver process provided a remedy in part, it was subject to abuse and generated complaints and challenges that presented an additional burden to Commission staff. Physicians often signed waivers without a real knowledge of how their patients' disabilities would affect the ability to use Morse. Legitimate waiver applicants would be stigmatized at VE sessions. The process required extra paperwork and was often not well understood by VE teams in the field.

FCC moved toward a simplification of testing when the fast-code requirements were dropped, effectively retiring the disability waiver and greatly simplifying the overall licensing process. However, the slow code (Element One) requirement remains. In the absence of an international treaty requirement, it is ripe for challenge under the ADA as an arbitrary requirement that does not test for an essential skill.

The fact that many jurisdictions world-wide have dropped Morse as a requirement in amateur radio licensing following WRC-03 should be considered prima facie evidence that Morse proficiency at any level is not an essential skill set for operating an amateur radio station. In the absence of the international treaty obligation, the Morse code requirement may not withstand an Americans with Disabilities Act challenge unless FCC sees fit to resurrect some kind of waiver process.

While there is some question as to whether the ADA applies directly to the Amateur Radio Service at this time, there can be no doubt that this FCC has vigorously moved to enhance the rights and access of people with disabilities to telecommunications of all types and that removing Morse testing will continue that welcome initiative in the Amateur Service.

Although RM-10867 does provide for participation through the level of General Class without the need for Morse testing, forcing people with disabilities like hearing loss and dyslexia to test for a mode they will never use, even by accommodated means, is unnecessary and potentially discriminatory. This is the situation that would exist for Extra Class candidates should Element One be retained.

The Commission should provide for a waiver if the Morse requirement is retained, but it would be better to simply eliminate any Morse examination requirement and obviate the need for a waiver. This will do a service to people whose disabilities make Morse an obstacle to full participation in amateur radio.

We will continue to offer Morse training in the Handiham program and endorse the use of Morse by those who wish to use it. Code users have ample existing opportunities to display and validate code proficiency through organizations like ARRL.

Sincerely,

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Manager, Courage Handiham System